

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

MIGUEL ANGEL RIVERA GARCIA
DEBTOR

CASE NO: 18-05790 (BKT)

CHAPTER: 13

USDA RURAL DEVELOPMENT
MOVANT

Index ____

Lift of Automatic Stay for Cause under

VS.

11 USC §362 (d)(1)

MIGUEL ANGEL RIVERA GARCIA
JOSE R. CARRION MORALES, TRUSTEE
RESPONDENTS

STIPULATION REGARDING PAYMENT OF POST-PETITION ARREARS

TO THE HONORABLE COURT:

Comes now Debtor, Miguel Angel Rivera Garcia, and secured creditor USDA Rural Development, through their undersigned counsels and hereby stipulate:

1. On February 3, 2020 movant filed a Motion for Relief of the Automatic Stay under 11 USC §362 based on Debtor's failure to comply with the terms of the confirmed payment plan.

2. On February 12, 2020, the debtor filed a post-confirmation modification of the plan in order to include post-petition arrears owed to USDA Rural Development, and to be paid through the Chapter 13 Trustee.

3. As of February 27, 2020, the total amount of post-petition arrears is \$3,719.54, including up to the month of January 2020.

4. USDA Rural Development agrees to the terms and condition of the post-confirmation modification of the plan dated February 12, 2020. This includes the payment of \$18,082.48 and \$3,719.54, pre and post-petition arrears respectively, by the Chapter 13 Trustee thru the plan.

5. USDA Rural Development will amend its proof of claim accordingly, in order to include the amount of post-petition arrears declared in paragraph three (3).


6. The parties agree that the debtor will continue with his regular post-petition payments to creditor USDA Rural Development, starting with the month of February 2020.

7. The parties also agree that if the debtor were to incur in further arrears again in the future during the time the above bankruptcy petition is active, the stay will be lifted automatically without further need of an order, notice, or hearing.

8. The parties agree that the terms and conditions of this stipulation supersede any future amended payment plan.

9. In the event of default by debtor(s) in any of the clauses specified herein-above, the parties consent that the stay be automatically lifted in favor of USDA Rural Development without the need of any further order, notice, or hearing.

10. The parties agree that if the post-confirmation modification of the plan is not approved by the court, the parties consent that the stay be automatically lifted in favor of USDA Rural Development without the need of any further order, notice, or hearing.

 11. The parties herein execute this agreement pursuant to Rule 4001 of the Bankruptcy Rules and any objection thereto may be filed within 21 days of the filing of this motion. If no objection is filed within said specified period of time, the Court may enter an order without the need for a further hearing granting this agreement.

12. Counsel for debtor authorizes counsel for creditor to file this stipulation.

WHEREFORE, movant respectfully requests from this Honorable Court that this Court be informed of the above detailed stipulation.

NOTICE IS HEREBY GIVEN THAT IF NO WRITTEN REPLY OR OPPOSITION IS FILED AND SERVED WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE HEREOF, THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT HEREIN.

SO STIPULATED,

In Guaynabo, Puerto Rico, this 27th day of February 2020.

CERTIFICATE OF SERVICE

I hereby certify that on the same date above I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee Jose R. Carrion Morales (claims@ch13-pr.com), and debtor's attorney Roberto Figueroa-Carrasquillo (cmecf@rfclawpr.com). I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: To Miguel Angel Rivera Garcia, at Urb Damaris, 330 Crisantemos St., Juncos PR 00777.

/s/ Juan Carlos Fortuño Fas

Attorney for Creditor

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